

STATE PUBLIC DEFENDER[493]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender amends Chapter 11, "Attorney Fee Contracts," and Chapter 12, "Claims for Indigent Defense Services," Iowa Administrative Code.

These amendments implement 2009 Iowa Acts, Senate File 475, which revises the procedure for appointment of court-appointed attorneys and submission of fee claims from the attorneys.

Pursuant to Iowa Code section 17A.4(3), the State Public Defender finds that notice and public participation are impractical because legislative changes affecting implementation of these rules became effective July 1, 2009.

The State Public Defender also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments should be made effective September 15, 2009, because the amendments are required by a statutory amendment to Iowa Code chapter 13B, which became effective on July 1, 2009, and the amendments confer a benefit on the public by ensuring that state resources are expended only on properly appointed attorneys in all cases. The amendments also confer a benefit on court-appointed attorneys by providing a grace period for submission of claims.

These amendments are also published herein under Notice of Intended Action as **ARC 8091B** to allow for public comment.

These amendments are intended to implement Iowa Code chapter 13B as amended by 2009 Iowa Acts, Senate File 475.

These amendments will become effective September 15, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 11.5(4) as follows:

11.5(4) ~~Once~~ After a contract has been awarded, the state public defender shall notify the clerks of court of the counties in which the contracting attorney has ~~agreed to provide services~~ requested placement on the list of attorneys willing to provide services in those counties.

ITEM 2. Amend subrule 12.2(9) as follows:

12.2(9) Claims for compensation ~~that do~~ from attorneys whose appointment as counsel or guardian ad litem at the appellate level does not comply with Iowa Code section 814.11 ~~or 815.10(5)~~ will be denied.

ITEM 3. Renumber subrules **12.2(10)** to **12.2(13)** as **12.2(11)** to **12.2(14)**.

ITEM 4. Adopt the following new subrule 12.2(10):

12.2(10) Claims for compensation from attorneys whose appointment as counsel or guardian ad litem at the trial level was entered on or after July 1, 2009, and received by the state public defender on or after September 15, 2009, will be denied if the appointment does not comply with Iowa Code section 815.10.

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